



# San Diego City Attorney **CASEY GWINN**

## NEWS RELEASE

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### **LOCAL GROCERY STORE OWNER PLEADS GUILTY TO MISLEADING ADVERTISING FOR SELLING EXPIRED PRODUCTS**

*City is First to Use False/Misleading Advertising Statute to  
Prosecute Criminally for the Sale of Expired Products*

**San Diego, CA:** The San Diego City Attorney's Consumer and Environmental Protection Unit is the first in the State to use California's False/Misleading advertising statute to prosecute a criminal case for the sale of expired products. Deputy City Attorney Steven Gold prosecuted Rick Keil, the owner of Keil's Food Stores. Keil, who cooperated with authorities, has agreed to pay more than \$5,000 in fines for sales of expired products at his Clairemont Drive market and has also instituted a comprehensive internal audit program to prevent future violations. Keil's Food Stores has been ordered to hire an outside auditor for a period of two years to ensure no expired products are offered for sale at any of its San Diego food stores. The owner can reduce his fine to \$2,700 by giving a presentation at the upcoming Independent Grocer Association conference in San Diego, telling grocers how to avoid his mistakes.

This case came to the attention of City Attorney Casey Gwinn's specialized consumer protection unit through a citizen complaint. The citizen found expired food products being sold at Keil's on three occasions in 2001, the third time while accompanied by a City Attorney investigator. On these three occasions, store employees were notified that expired products were found. The City Attorney investigator found expired food products at Keil's a fourth time in December 2001, and two more times in early 2002. While there was no evidence owner Rick Keil personally knew expired products were being offered for sale, he accepted full responsibility for the conduct of his manager and employees.

City Attorney Casey Gwinn said, "Owners of businesses who fail to take reasonable steps to prevent the sale of expired products will be held responsible. Consumers have a right to expect the products they purchase are safe, effective and nutritionally intact."

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